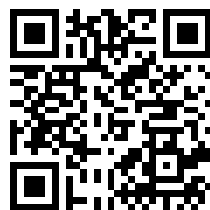

This is a reproduction of a library book that was digitized by Google as part of an ongoing effort to preserve the information in books and make it universally accessible.

GoogleTM books

<https://books.google.com>



DT
862
G72

DOCUMENTS
DEPT.





Administration COLONIAL OFFICE

NYASALAND

STATE OF EMERGENCY

*Presented to Parliament by the Secretary of State for the Colonies
by Command of Her Majesty
March 1959*

LONDON
HER MAJESTY'S STATIONERY OFFICE
NINEPENCE NET

Cmnd. 707

NYASALAND

STATE OF EMERGENCY

On 18th March, 1959, the Governor of Nyasaland addressed to the Secretary of State for the Colonies a despatch covering the events leading up to the publication on 3rd March, 1959, of a declaration of a state of emergency in the Protectorate of Nyasaland under the provisions of the Emergency Powers Orders in Council, 1939 and 1956*. The despatch is reproduced in the Appendix.

Colonial Office,
23rd March, 1959.

* See S.I. 1952 I, at p. 621; S.I. 1956/731 (1956, I, p. 512).

APPENDIX

Despatch dated 18th March, 1959, from the Governor of Nyasaland to the Secretary of State for the Colonies

SIR,

I have the honour to refer to the reports which I have made to you from time to time on the events in this territory which were causing me apprehension and which ultimately led to the declaration of a state of emergency throughout the Protectorate on March the third.

2. The purpose of this despatch is to review in sequence the events and the methods and actions of the Nyasaland African Congress which finally led me not only to declare a state of emergency, but also to proscribe the Congress and its affiliated bodies and to detain, under emergency powers, its leaders.

3. The Government of Nyasaland is responsible for law and order in the Protectorate. Faced with the policies and actions of the Nyasaland African Congress described in this despatch it was obliged either to take firm action or to condone lawbreaking, intimidation and violence.

4. For a considerable period I have been having talks with the leaders of the various communities and sections of political opinion in the country, including the Nyasaland African Congress, with a view to reaching conclusions on constitutional advances, on which I was anxious to get the fullest possible measure of agreement among all those concerned, and it was my hope that the outcome would have gone some way to resolve conflicting interests. I also knew that, despite the increasingly unfavourable atmosphere for reasoned constitutional discussions which had developed in recent months, largely as a result of the speeches and activities of Dr. Banda and his Congress colleagues, you shared my view that the best prospect of improving the uneasy situation in the territory lay in attempting to bring such discussions at the earliest possible moment to a conclusion which might be acceptable to all concerned. To that end, it was arranged between us at the beginning of February that Lord Perth should visit the territory later in the month. Unfortunately in the event, as this despatch will go on to show, the further activities of Congress during those weeks produced conditions in which it was quite impossible for such talks to take place.

5. To understand clearly the sequence of these events it is convenient to examine the changes in Congress policy and the actions which bore out these changes in three distinct periods. There was (I): the period before Dr. Hastings Banda returned to Nyasaland (paras. 6-8 below); (II): the period between his return and his attendance at the Accra Conference (paras. 9-18); and (III): the period between his return from Accra and my declaration of a state of emergency (paras. 19-36).

I

6. The Nyasaland African Congress was originally formed in 1944 as a convention of a number of African Associations which had for some time been concerning themselves mainly with African welfare and advancement. A rallying point was afforded to the embryonic Congress when the question arose of including Nyasaland with the Rhodesias in a single Federation. The Congress organisation thereafter steadily developed as a political organisation, and was able to amass considerable support against federation. In early April, 1953, it formally declared a civil disobedience movement during

the course of which there were serious disturbances in parts of the Southern Province and in the Ncheu District of the Central Province. This movement was called off towards the end of September. Since that time opposition to federation has remained the main plank of Congress.

7. After 1953 and until the return of Dr. Banda, the African Congress behaved and was treated as an ordinary political party pursuing its main aim of secession from the Federation through constitutional means. The Nyasaland Government did, and still does, consider that this aim was misguided, and every possible opportunity was taken to bring home to the Congress leaders the disadvantages which would follow from secession. You yourself have taken every opportunity to emphasise the same point, both during your visit to Nyasaland and in the United Kingdom Parliament.

8. Towards the end of this first period the intemperate speeches made by some of the African Congress members of the Legislative Council, both in the Council and outside it, exacerbated racial antagonisms and caused the Government concern. But such speeches were no reason for denying to Congress leaders the normal constitutional paths open to them for pursuing their aims, nor did they amount to breaches of the laws governing sedition. By the end of this period the Congress movement had become deeply rooted in certain areas, particularly in the Northern Province and in parts of the Southern Province.

II

9. The second period began in July 1958, with the return of Dr. Banda to Nyasaland after an absence of over thirty years, the last five of these years having been spent in Ghana. He had throughout recent years maintained contacts with and an interest in the African leaders in Nyasaland and had supported the Congress cause with advice and funds. Once his intention to return had been definitely announced, Congress leaders spent several months representing him to the people as the powerful messiah-like figure in the background who at the appropriate moment would arrive to lead them.

10. On arrival Dr. Banda made several public and private protestations of his lack of enmity towards Europeans and he paid courtesy calls on a number of senior Government officials.

11. In August he was accorded the leadership of Congress on his own terms, namely that he should himself appoint the members of his central executive.

12. He then proceeded to make himself known to Africans throughout the country at large public meetings. At these meetings Dr. Banda made plain his intention of forcing upon the British Government immediately and uncompromisingly the Congress aims of African self-government (based on universal suffrage) and secession from the Federation. Indeed, he gave the impression to his audiences in his speeches that it was within his power to obtain self-government now. He promised, at the same time, that the removal of Government servants and others loyal to the Government would follow the attainment of self-government. This feature of his speeches alone was enough to encourage lawbreaking and disregard of authority.

13. I should make it clear here that there was no lack of effort during this period, and indeed right to the end, by the Government to provide Dr. Banda

with opportunities for making his views known and influence felt by constitutional means. When Dr. Banda had completed his initial tour of the country he accepted an invitation extended to him by the Secretary for African Affairs to discuss current problems. This was followed by interviews with me and a number of meetings with my senior officials. It was made abundantly clear to him that the Government was anxious to discuss all matters he wished in an endeavour to reach satisfactory conclusions.

14. Dr. Banda made it equally clear, however, in his talks with Government officials, that he was not prepared to compromise. In public, he stated that he intended to pursue his ends by constitutional means but, in choosing his colleagues, he ignored the older, more experienced and more moderate leaders and took on the younger more volatile and extreme people.

15. As early as August Dr. Banda was publicly threatening members of the police who attended his meetings with victimisation when self-government was achieved, and considerable intimidation of his African political opponents took place. Agricultural legislation designed to increase the productivity of African land holdings by soil conservation and other measures, came under attack by Congress and Dr. Banda said that with self-government such irksome legislation would be abolished. Following a public meeting held by Dr. Banda in Fort Johnston District in September 1958, Government officers encountered serious opposition, and threats of violence by the villagers. The Agricultural Rules were widely disobeyed; and on the 20th October, while police were endeavouring to make arrests, they met with strong resistance and were attacked by a crowd. The Riot Proclamation had to be read and the crowd was dispersed with the use of tear smoke and batons. Similar developments were later reported from Kota Kota District. In Cholo District Congress members incited people to disobey the Agricultural Rules, saying that they had instructions from Dr. Banda that all the Rules had been stopped.

16. To turn to his attitude to Asians, Dr. Banda made it clear at public meetings held during September 1958 that, if Asians persisted in attempting to obtain a share in the Government of the country, an African boycott of Asian stores would settle the matter. In October, following a speech in which he made caustic references to Asian participation in politics, some of the crowd stoned cars containing Asians. In November instances were reported of abuse and petty assaults on Asians by Africans. These developments gave rise to serious concern among the Asian community. Dr. Banda also initiated a policy of inculcating among school children a hatred of federation. During September the Congress Youth League was formed as an action group. In October the first violence occurred with two incidents in Zomba and Blantyre respectively involving the stoning of cars. Following on these events Dr. Banda wrote, in a letter to a Congress leader, "You have heard about the riots. I have set Blantyre and Zomba on fire, I hope soon to set the whole of Nyasaland on fire". This letter is now in my possession. In November, further stoning incidents took place and some cases of attempted intimidation of Asians and Africans by members of the Congress organisations were reported to the Police.

17. This pattern of events during this period gradually made it clear that the methods by which Congress were pursuing their political aims involved intimidating their opponents, undermining the legitimate authority of Government, and engendering racial strife—and could only result in putting peace and order into jeopardy.

18. The Congress policy of indirectly encouraging disregard of the law, particularly in the rural areas, confronted the Government with a dilemma.

Either widespread police action could be taken to apprehend large numbers of petty offenders, thus exacerbating local irritations and driving the ordinary village people into the Congress camp, or else the offences could be ignored, thus demonstrating the omnipotence of Dr. Banda and his colleagues. In the event the law was enforced to the extent that police were available for the purpose.

III

19. From the 1st December when Dr. Banda left to attend the Accra Conference, there was a comparative lull in events until the third period began with his return to the Federation on the 20th December.

20. At the Accra Conference a resolution was approved relating to the use of violence as a means of achieving self-government. The resolution was in the following terms :

“ 10. That the All-African People's Conference in Accra declares its full support of all fighters for freedom in Africa, to all those who resort to peaceful means of non-violence and civil disobedience as well as to all those who are compelled to retaliate against violence to attain national independence and freedom for the people. Where such retaliation becomes necessary, the Conference condemns all legislations which consider those who fight for their independence and freedom as ordinary criminals.”

It is known that this resolution in fact represents a compromise between the concept of “ non-violent ” positive action advocated by certain representatives at the Conference, and the demand for the positive use of violence put forward by others.

21. On the day following Dr. Banda's arrival back in Salisbury, Mr. H. B. Chipembere, who as you know has throughout been Dr. Banda's most militant associate, warned his listeners at Blantyre that in times of violence those who sided with Europeans would be destroyed. Dr. Banda, while continuing to say he was still against violence, adopted a belligerent attitude at the first meeting held in Nyasaland after his return (on December 28th). He then said he had not brought self-government from Ghana but that people would have to fight for it and he expected to go to prison and that thousands would follow him there. This utterance could not but appear menacing, particularly when considered in the light of the Accra Conference resolution.

22. I should perhaps interpolate here that our Police Ordinance makes provision whereby the written permission of an officer in charge of police is required for the holding of a meeting or a procession in a public place, and that such permission must be granted if such officer is satisfied that the holding of the meeting is unlikely to cause a breach of the peace or disaffection amongst the inhabitants of the Protectorate. Up to the end of December hardly any requests to hold meetings were refused. It was from this time that meetings were often held without seeking permission, and subsequent reference in this despatch to “ illegal meetings ” means meetings for which no police permission had been sought or granted.

23. Trends toward violence had been noted for some time in speeches by Congress leaders. In December reference was being made, by Congress supporters in the Northern Province, to violence and Mau Mau. During January there were open demonstrations of hostility towards Europeans and Asians by Africans in the urban areas. Six illegal meetings and two unlawful

processions took place in the Zomba district alone and illegal Congress meetings took place elsewhere also. Twice crowds attending Congress meetings in Zomba were incited to go and release persons in police custody, and on the second occasion on 20th January, after a meeting addressed first by Dr. Banda and then by Mr. Chipembere, the Riot Proclamation had to be read, stone throwing took place and the police had to use force to disperse the crowd. At Blantyre, following a meeting addressed by Dr. Banda on the 18th January, three cars were involved in incidents of stone throwing.

24. Then on the 24th January a conference attended by at least 150 Congress delegates from all parts of the Protectorate and from Northern and Southern Rhodesia was held in Blantyre. At that part of the conference which took place on the 24th January it was decided to call a general strike, including civil servants, railway and road transport workers, in the event of the Congress constitutional demands being rejected. In the afternoon of 25th January some 140 delegates were conveyed by lorries to another and secret meeting. Dr. Banda did not himself attend this, but I have reason to believe that it was held at his direction. All the principal Congress leaders were there. Those attending were sworn to secrecy under threat of death, and such was the effectiveness of this cloak of secrecy that some time elapsed before knowledge of what took place at this meeting became available to Government. By the 13th February, however, the Government was in a position to assess reports of the proceedings at this meeting. According to these reports it was agreed at the meeting that :—

- (a) until such time as the announcement of the impending constitutional changes was made, unlawful public meetings and processions should be held throughout the Protectorate. These meetings were to be held where possible in the bush. Those attending them should not resort to violence but should offer themselves for arrest if the need arose.
- (b) If Dr. Banda were arrested, four persons, Messrs. H. B. Chipembere, D. K. Chisiza and M. W. K. Chiume and Mrs. Rose Chibambo, elected to run Congress in his absence, were to fix a day when violence was to begin, to be called "R" day. Every branch in the Central and Northern Provinces should be informed of the arrest. In view of the difficulty of communications "R" day would probably be from ten to twenty-one days after Banda's arrest. All action was to begin simultaneously in every district on this "R" day.
- (c) The plan for violence on "R" day included :
 - (1) Sabotage of telephone wires, road and rail bridges, airfields (including Chileka) and installations, petrol dumps and the main power station at Blantyre.
 - (2) Murder of District and Provincial Commissioners, District Police Officers and other Europeans, including missionaries, also of certain Chiefs and other Africans classed as "Quislings". In the townships Europeans and Asians were to be killed, including women and children.
 - (3) Assassination of the Governor and other senior British officers.

It was also reported that at the meeting on the 25th January the delegates were told to go home and brief the Chairman and Secretary of each Congress branch about the plan.

25. The reports received of the proceedings at the meetings described in the preceding paragraph, which as I have said I was not in a position to assess until the 13th February, were derived from a number of different sources, the combined nature and reliability of which were such that you and I could

have ignored the information only at the risk of most serious consequences. Moreover, by the time that the reports of the meeting had been analysed, events had already begun to corroborate them, inasmuch as it was already clear that the first part of the Congress plan relating to general demonstrations in advance of the announcement of constitutional changes had been launched and, however "non-violent" these were supposed to be, was in fact leading to widespread disorder. During the fortnight from 29th January to 11th February, seven illegal meetings, two unlawful assemblies and two riots were reported, resulting in the arrest of some sixty persons. The essential facts at the disposal of Government in regard to the plan are set out in the preceding paragraph. I know that you agree with my view that further disclosure of the methods and sources from which this information was derived would not be in the public interest : but I can add that subsequent information, of comparable reliability, has served to confirm the original reports : and it is known that the plans laid at the meeting on the 25th January were in fact passed on to others, as delegates were instructed to do.

26. From then onwards the tempo increased. On the 15th February the Karonga police station was stoned after the District Commissioner had intervened at an illegal meeting in the market place and arrested four persons. On the 17th an unlawful assembly took place outside the district headquarters at Kota Kota, a crowd armed with axes released prisoners under lawful arrest in the Zomba district and a crowd stoned police in Blantyre. On the 19th a riot took place at Karonga, following the arrival of two Congress emissaries from Blantyre, in the course of which the prison was broken into and prisoners released, the rest house was damaged by fire, stones were thrown, police families and the African District Assistant were assaulted and attempts were made to put the airfield out of action by damaging the meteorological instruments. This was followed on the 20th by a riot at Fort Hill airfield where the aviation offices were wrecked, the wireless installations and aerodrome were put out of action, European staff, including a woman, were attacked and injured and the police, who arrived by air as these events were taking place, were forced to open fire, injuring five persons, one fatally. On the same day stones were thrown at the Agricultural Officer's house at Nchenachena in the Rumpi District and police moving from Karonga towards Fort Hill on the 22nd February found road blocks on the last seven miles of the road. On the 20th February also, at Ncheu in the Central Province, the police had to use batons and tear smoke to disperse unruly crowds which gathered outside the Court to demonstrate while charges against Africans for breaches of the peace were being heard.

27. On the 22nd at Blantyre, several cases of stoning of cars were reported and serious rioting took place. The main road between Blantyre and Limbe had to be closed for several hours while police dealt with the rioters.

28. On the 24th, stones were thrown and rioting took place at the rail/road junction of Balaka, and a police constable was stabbed. The same day a serious riot took place outside the gaol in Lilongwe. This began when a truckload of Congress supporters arrived from Blantyre at the same time as some 50 prisoners were brought in from Kota Kota whom the crowd tried to release. The security forces had to open fire and two rioters were killed. Also that day further stoning occurred in Blantyre and occasional stoning incidents continued to be reported there on subsequent days.

29. On the 25th February, security forces reported stoning and road blocks in the Northern Province. On the 27th February a riotous crowd, including people armed with sticks and iron bars, who were demonstrating outside a court in the north of the Blantyre district at which two Congress officials were being prosecuted, refused to disperse and security forces had to open fire, wounding three Africans, one of whom died. On the 28th February two illegal Congress meetings took place at Mzuzu and Rumpi in the Northern Province. The former had to be dispersed with tear smoke after a car had been stoned.

So much for the account of events. I come now to my reactions to them.

30. By the 18th February I was faced with a rapidly deteriorating situation, resulting from the programme of demonstrations upon which Congress had decided to embark at the 25th January meeting. Even disregarding the knowledge which I had of the additional plans laid at that meeting for deliberate and widespread violence in certain eventualities, the situation as it stood clearly called for firm action by Government if law and order were to be restored. By the 20th February, the sabotage and violent events at Karonga and Fort Hill indicated to me that violence of the kind contemplated in the plans for "R" day was already beginning to take place. But for the knowledge of those plans, and the widespread violence contemplated, I would have been justified in declaring an emergency there and then. As it was, I had no alternative but to defer doing so until I had sufficient forces at my disposal and could so deploy them as to deal with every kind of contingency which the existence of those plans made possible.

31. As well as keeping you fully informed I had also as you know from time to time kept the heads of the other Governments in the Federation informed of events in Nyasaland to the extent that they were concerned and the extent to which I might require their assistance—this was in accordance with Article 42 (2) of the Federal Constitution. On the 18th February I gave Sir Roy Welensky a further picture of recent Congress activities and advised him that I would probably find it necessary to declare a state of emergency, to proscribe Congress and to detain its leaders as the only course open to me to avert the widespread threat to lives and property. I made it clear that a prerequisite to these steps was the presence in Nyasaland of adequate police and military forces. On the 19th I heard of the events at Karonga mentioned in paragraph 26 and I decided that reinforcements were essential. I therefore asked the Federal Prime Minister and the Governor of Northern Rhodesia for military and police reinforcements respectively.

32. I subsequently met Sir Arthur Benson, Sir Roy Welensky and Sir Edgar Whitehead in Salisbury on the 20th February, when it became evident that the time at which I could receive the military and police assistance which I required was dependent upon current internal security dispositions which were already being made both in Northern and Southern Rhodesia.

33. In the increasingly dangerous situation which was developing, I had also to consider whether to recommend to you that the proposed visit by Lord Perth to discuss constitutional matters should be postponed. At this stage, I decided not to do so, as it seemed that there was still just a chance that the announcement of the visit might in itself help to restore the situation, and enable the talks to take place in something like a reasonable atmosphere. The visit was announced on the 20th February; and, as I was in Salisbury on that day, I asked the Chief Secretary, Mr. Footman, to invite Dr. Banda to visit him at Zomba. In the interview Mr. Footman emphasised his concern at the deteriorating situation. He pointed out that if it persisted H.M. Government might consider that the conversations could not take place in so disturbed an atmosphere.

34. You will have seen from the course of events that I have described in paras. 26 to 29 that Mr. Footman's appeal fell on deaf ears. Widespread disturbances continued ; and it became clear that, although Dr. Banda still professed to desire constitutional talks, he was allowing the general Congress plan of widespread demonstrations and disorders to proceed. In consequence on the 25th February I advised you that Lord Perth's visit should be postponed, and that an early declaration of emergency and detention of Congress leaders was now inevitable.

35. On the same day I asked Sir Edgar Whitehead for B.S.A. Police reinforcements. By that time Fort Hill aerodrome had been lost to our control and I made arrangements with the Governor of Tanganyika for a force of his police, which had been moved to the border, to regain control. It was necessary for the party of Tanganyika police to operate in the northern part of the Karonga district in order to protect lives and property and to stop disorder spreading into Tanganyika until such time as our own forces could relieve them.

36. I must emphasise that the initiative in requesting police and military forces, both from within the Federation and from Tanganyika for the specific temporary purpose to which I have referred, came from me and me alone. The assistance which I sought was readily given. While my plans, so far as the size of the reinforcements to be sent to me and the timing of their arrival, had of course to be made in consultation and agreement with the other Governments of the Federation, the decision to act was taken by me alone with your full knowledge. By the 2nd March, I had completed the necessary build-up of reinforcements. I declared a state of emergency in the early hours of the 3rd March.

37. An account of the events which followed the arrest and detention of Congress leaders does not fall within the scope of this despatch. The vigorous action of the security forces and the detention of most of the effective leaders has prevented the full implementation of the Congress plan, but nevertheless the pattern of events has largely followed that plan. There has been further rioting, attempts to release prisoners, widespread sabotage of roads and bridges, the burning of the houses of Government officers and of Africans who supported the Government, assaults on African civil servants and two deliberate attacks on European officers, one of whom was injured. Congress activity in this period has been most violent and effective in areas such as the Northern Province, where Congress organisation was strongest. This situation, and in particular the attempts to release prisoners, made it essential for me to arrange with the Federal Government for the detention of many of the more important detainees in Southern Rhodesia. Facilities in Nyasaland for the safe custody of so many were not available.

38. No Governor wishes to be placed in a position of having to declare a state of emergency. But the events I have described speak for themselves.

I have, &c.,

GOVERNOR.

Printed and published by
HER MAJESTY'S STATIONERY OFFICE

To be purchased from
York House, Kingsway, London W.C.2
423 Oxford Street, London W.1
13A Castle Street, Edinburgh 2
109 St. Mary Street, Cardiff
39 King Street, Manchester 2
Tower Lane, Bristol 1
2 Edmund Street, Birmingham 3
80 Chichester Street, Belfast
or through any bookseller

Printed in Great Britain

Gaylord
PAMPHLET BINDER
Syracuse, N. Y.
Stockton, Calif.

U.C. BERKELEY LIBRARIES



C025895498

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED
DOCUMENTS DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.

Renewed books are subject to immediate recall.

OCT 1 1962

REC'D LD

SEP 18 1962

JAN 3 1967

JAN 2 2003

LD 21-50m-6,'60
(B1321s10)476

General Library
University of California
Berkeley

